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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Angelica Jackson;

Plaintiff,

v.

Diversified Consultants, Inc.;

Defendant.

No.

COMPLAINT

(Jury Trial Demanded)

Preliminary Statement

1. On one or more occasions Defendant obtained the Plaintiff's credit report in violation of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681 *et seq.* Plaintiff seeks monetary, declaratory and injunc-

1 tive relief.

2 **Jurisdiction and Venue**

3 2. Jurisdiction over this action is premised upon 15 U.S.C. § 1681p and
4 28 U.S.C. § 1367.

5 3. Venue is proper in this District under 28 U.S.C. § 1391(b), and in that
6 the Defendant's conduct complained of occurred in the District.

7 **Parties**

8 4. Plaintiff is an individual who at all times relevant resided in Maricopa
9 County, Arizona.

10 5. Defendant Diversified Consultants, Inc. ("DCI") is a national collection
11 agency licensed to conduct business within the state of Arizona.

12 **Factual Allegations**

13 ***The Impermissible Access***

14 6. On February 2, 2015, DCI accessed or obtained a consumer report
15 (hereinafter "credit report" or "consumer report") on Ms. Jackson from
16 Trans Union, a national consumer reporting agency.

17 7. DCI's stated purpose for requesting the credit report was "account
18 review."

19 8. Less than two weeks later, DCI sent Plaintiff a collection letter on
20 behalf of Sprint.

21 9. Plaintiff had previously filed Chapter 7 bankruptcy on July 1, 2014.

22 10. DCI and Sprint were both notified by the Bankruptcy court of Plain-
23 tiff's filing on or about July 3, 2014.

24 11. The account DCI was attempting to collect on behalf of Sprint was
25 included in Plaintiff's Chapter 7 bankruptcy.

12. Plaintiff received a discharge of her debts on October 16, 2014.

13. The bankruptcy court sent notice of Plaintiff's discharge to both DCI and Sprint on October 16, 2014.

14. DCI did not have a permissible purpose for making the credit report inquiry on Plaintiff on February 2, 2015.

15. At the time DCI made its inquiry, DCI knew that the account it was attempting to collect from Plaintiff had been included and discharged in Ms. Jackson's Chapter 7 bankruptcy.

16. At the time DCI made its inquiry, DCI knew that its stated purpose for obtaining Ms. Jackson credit report, that of "Account Review," was false.

17. At the time DCI made its inquiry, DCI knew that it did not have a permissible purpose to access Ms. Jackson's credit report.

18. Upon information and belief, at the time DCI obtained Plaintiff's credit report on February 2, 2015, DCI had a policy of regularly ignoring the bankruptcy discharge of its customers and regularly obtained credit reports under the guise of an "Account Review."

Other Impermissible Accesses

19. Upon information and belief, DCI accessed Ms. Jackson's consumer report one or more times between January 6, 2014 and January 6, 2016 without a permissible purpose.

Count I. Violation of FCRA

Negligently Obtaining Consumer Report Without Permissible Purpose

20. Plaintiff incorporates the preceding paragraphs.

21. DCI acted negligently in requesting and obtaining Ms. Jackson's credit

1 reports without a permissible purpose.

2 22. DCI's conduct in obtaining Ms. Jackson's credit reports without a
3 permissible purpose therefore violated 15 U.S.C. §1681b(f).

4 23. As a result of DCI's violation of the FCRA, Ms. Jackson has suffered
5 an invasion privacy, and other actual damages.

6 WHEREFORE, the plaintiff requests that this Court enter judgment in
7 her favor and against defendant DCI as follows:

- 8 a. pursuant to 15 U.S.C. § 1681o(a)(1), award her actual damages,
9 for each impermissible access of her credit report;
- 10 b. pursuant to 15 U.S.C. § 1681o(a)(2), award costs of the action
11 and reasonable attorney fees; and
- 12 c. grant such other and further relief as the court deems just and
13 proper.

14 **Count II. Violation of FCRA**

15 ***Willfully Obtaining Consumer Report Without Permissible Purpose***

16 24. Plaintiff incorporates the preceding paragraphs.

17 25. DCI acted willfully in requesting and obtaining Ms. Jackson's credit
18 reports without a permissible purpose.

19 26. DCI's conduct in willfully obtaining Ms. Jackson's credit reports
20 without a permissible purpose therefore violated 15 U.S.C. §1681b(f).

21 27. As a result of DCI's violation of the FCRA, Ms. Jackson has suffered
22 an invasion privacy, and other actual damages.

23 WHEREFORE, the plaintiff requests that this Court enter judgment in
24 her favor and against defendant DCI as follows:

- 25 a. pursuant to 15 U.S.C. § 1681n(a)(1)(A), award her actual dam-

